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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 CHRISTOPHER PORTER,)
09 Petitioner,) CASE NO. C11-0645-RSM
10 v.)
11 UNITED STATES OF AMERICA,) ORDER DISMISSING MOTION
12 Respondent.) UNDER 28 U.S.C. § 2255
13 _____)

14 The Court, having reviewed petitioner's motion under 28 U.S.C. § 2255, the
15 government's response to that motion, petitioner's motion to withdraw/dismiss his § 2255
16 motion, the Report and Recommendation of the Honorable Mary Alice Theiler, United States
17 Magistrate Judge, and the remaining record, does hereby find and Order:

- 18 (1) The Court adopts the Report and Recommendation;
19 (2) Petitioner's motion to withdraw his § 2255 motion (Dkt. No. 19) is GRANTED
20 and this action is DISMISSED without prejudice;
21 (3) The evidentiary hearing scheduled for December 16, 2011 is STRICKEN as
22 moot, and

01 (4) The Clerk is directed to send copies of this Order to counsel for petitioner, to
02 counsel for the government, and to Judge Theiler.

03 DATED this 23 day of December 2011.
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07 RICARDO S. MARTINEZ
08 UNITED STATES DISTRICT JUDGE
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